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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 09/848,010 | 05/02/2001 | Ioana M. Rizoia | BI9485P | 5692 |
| 33197 | 7590 | 05/23/2005 | EXAMINER | |
| STOUT, UXA, BUYAN & MULLINS LLP | | | SHAY, DAVID M | |
| 4 VENTURE, SUITE 300 | | | | |
| IRVINE, CA 92618 | | | ART UNIT | PAPER NUMBER |
| | | | 3739 | |

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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MAY 05 2005

Stout, Uxa, Buyan & Mullins LLP
4 Venture, Suite 300
Irvine, CA 92618

| | | |
|--|---|----------------------|
| In re Application of | : | DECISION ON PETITION |
| Iona M. Rizoju et al | : | TO WITHDRAW |
| Serial No. : 09/848,010 | : | HOLDING OF |
| Filed : May 2, 2001 | : | ABANDONMENT |
| For : Dermatological Cutting and Ablating Device | : | |

This is a decision on petitioner's request filed October 28, 2004, to review the holding of abandonment mailed September 21, 2004 for failure to file a proper response to the Office action mailed November 25, 2003. There is no fee required for this petition.

In support of the request and as required by 37 CFR 1.8(b), petitioner has submitted a copy of a communication that included a Request for Continued Prosecution (RCE), authorization for a one-month extension of time request, and a Certificate of Transmission under 37 CFR 1.8, all bearing a certificate of facsimile transmission dated March 25, 2004. Petitioner has also included a copy of the Auto-Reply Facsimile Transmission from the Patent Office confirming the successful and timely transmission of the papers in question on March 25, 2004.

In view of the above, the Notice of Abandonment mailed September 21, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry, processing, and consideration of the RCE received March 25, 2004.

Summary: Holding of Abandonment Withdrawn.

Richard A. Bertsch, Director
Technology Center 3700
Phone: (571) 272-3750

ak/04/28/05